

1 In the Presentence Report, on page 31, paragraph 105, the Probation Officer wrote, "The
2 defendant has no substance abuse issues...", and yet, on page 35, special condition of probation
3 number 6, the PSR recommended drug testing. Frankly, at sentencing, counsel for defendant
4 inappropriately failed to object to the imposition of the drug testing condition as a condition of
5 probation when there was no factual basis on which to base such a condition.

6 Once the above facts were pointed out to counsel for defendant, counsel for the
7 government was contacted as was the assigned probation officer, Chris Muira. All parties agreed
8 a drug testing condition was not only inappropriate, but factually not needed.
9

10 **STIPULATION**
11

12 Plaintiff, United States, and Defendant Tracy Painter, through their undersigned counsel,
13 hereby stipulate and agree that the drug testing condition, imposed as a condition of probation,
14 requiring one drug test within 15 days of release on probation and at least two periodic drug tests
15 thereafter, not to exceed four (4) test per month, is hereby eliminated as a condition of probation.
16 That is, there shall be no drug testing imposed as a condition of probation.
17

18 **IT IS SO STIPULATED.**

19 DATED: December 3, 2014
20

BENJAMIN B. WAGNER
United States Attorney

21 /s/ Philip Ferrari
22 by
23 Philip Ferrari by Jan Karowsky w/
24 Mr. Ferrari's permission
25 Assistant U.S. Attorney

1 DATED: December 3, 2014

JAN DAVID KAROWSKY
Attorney at Law
A Professional Corporation

3 /s/ Jan Karowsky

4 by
5 JAN DAVID KAROWSKY
6 Attorney for Defendant

7 **IT IS SO ORDERED.**

8 Dated: 12/3/2014

9 /s/ John A. Mendez
10 **JOHN A. MENDEZ**
11 **United States District Court Judge**